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Via CM/ECF

October 4, 2023

Molly Dwyer, Clerk of the Court
U.S. Court of Appeals for the Ninth Circuit
95 7th Street
San Francisco, CA 94103
Re: **Trump et al. v. Twitter, Inc. et al.**, 22-15961
(Oral argument 10/4/2023)

Dear Ms. Dwyer:

Appellants submit record citations in further response to questions from Judge Bybee at oral argument. In addition to the statements by legislators listed in ¶55 of the Complaint, Plaintiffs also presented, by way of a Motion for Judicial Notice (ER116) that the district court granted (ER10 n.2), further public threats from legislators:

The time has come to hold online platforms accountable for their part in the rise of disinformation and extremism.... [T]herefore, it is time for Congress and this Committee to legislate and realign these companies' incentives to effectively deal with disinformation and extremism.... So when a company is actually promoting this harmful content, I question whether existing liability protections should apply. Members on this Committee have suggested legislative solutions and introduced bills.... **The time for self-regulation is over. It is time we legislate to hold you accountable.** (Opening Stmt. of **Comm. Chairman** Frank Pallone, Jr.) (emphases added). ER139-40.

Your companies need to be held accountable—we need rules, regulations, technical experts in government, and audit authority of your technologies. **Ours is the committee of jurisdiction, and we will legislate to stop this.** (Opening Stmt. of **Subcomm. Chairman** Mike Doyle) (emphasis added). ER144.

What our witnesses need to take away from this hearing is that

self-regulation has come to the end of its road, and that this democratically elected body is prepared to move forward with legislation and regulation.... Misinformation regarding the election dropped by 73% across social media platforms after Twitter permanently suspended Trump The question is, what took so long? (Opening Stmt. of **Subcomm. Chair** Janice D. Schakowsky) (emphasis added). ER146-47.

Threats from Executive Branch officials are document in Complaint ¶¶96-99. ER346-51.

Such repeated threats from pubic officials distinguish this case from *Kennedy v. Warren*, 66 F.4th 1199 (9th Cir. 2023), which Judge Bennett inquired about.

Sincerely

A handwritten signature in blue ink, appearing to be 'Alex Kozinski', with a stylized, flowing script.